

Remarks

Claims 1-19 are pending. Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Claims 1-19 are rejected under 35 U.S.C. §102(b) over LaCour (Patent Application Publication US 2002/0155357).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131. Because each and every claim element is not found in LaCour, Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is defective and request withdrawal of the rejection.

It is further noted that, with respect to rejection of claims under 35 U.S.C. §102, it is incumbent upon the Examiner to identify where each and every feature of the claimed invention is disclosed in the applied reference. In the Office Action,

Serial No.: 10/708,535

however, the Examiner has failed to specifically identify or point out where each feature of the invention as set forth in claims 1-19 is allegedly disclosed by LaCour.

Nonetheless, Applicants submit that the claims of the present invention are not anticipated by LaCour since LaCour does not disclose each and every feature of Applicants' claimed invention.

Regarding claim 1 (and similarly claim 8) LaCour is completely silent with regard to, *inter alia*, the ranking of a plurality of SRAF configurations for a given layout based on a figure of merit. In particular, in the above-referenced Office Action, the Examiner has equated the claimed "figure of merit" with LaCour's "priority value." This is incorrect. In the present invention, the claimed "figure of merit" comprises a numerical quantity (e.g., process window area, mask error factor, depth of focus, percent coverage, etc.) that represents a measure of lithographic performance. In LaCour, however, a priority value is merely a value used to prioritize resolution-enhancing corrections based on the geometry of the corrections, pattern features that generate the corrections, or the function of a feature in a circuit. Clearly, LaCour's "priority value" is not equivalent to the claimed "figure of merit."

Regarding claim 17, LaCour fails to disclose, and is completely silent with regard to, *inter alia*, the steps of

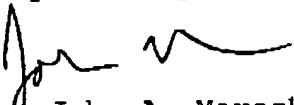
Serial No.: 10/708,535

"dividing the layout into spaces," and "applying SRAF rules to a space in the layout, wherein the SRAF rules take into account SRAF features in adjacent spaces of the layout." Indeed, the Examiner has failed to address either of these steps in the above-referenced Office Action.

With respect to the dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants submit that claims 1-19 are allowable.

If the Examiner believes that any further discussion of the invention would be helpful, Applicants' representative is available at (518) 449-0044, and earnestly solicits such discussion.

Respectfully submitted,

  
By: John A. Merecki  
Reg. No. 35,812

Date: 12/29/05

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
518-449-0044  
jmerecki@hwpatents.com

Serial No.: 10/708,535